

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 3039 Cecelia Drive – Adam & Jennifer Landa, applicants; Request for a special exception to convert an existing 572 square foot detached garage into a guest cottage in R-1AA (Single Family Dwelling) district.

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Joy Williams **EXT:** 7399

Agenda Date 12/7/09 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **Approve** the request for a special exception to convert an existing 572 square foot detached garage into a guest cottage in R-1AA (Single Family Dwelling) district; or
2. **Deny** the request for a special exception to convert an existing 572 square foot detached garage into a guest cottage in R-1AA (Single Family Dwelling) district; or
3. **Continue** The request to a time and date certain.

GENERAL INFORMATION	Applicant: Location: Zoning: Subdivision:	Adam & Jennifer Landa 3039 Cecelia Drive R-1AA (Single Family Dwelling) Neals Bay Point
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to convert an existing 572 square foot garage into a guest cottage. The size of the garage will not be expanded. • In 1994 a special exception was granted to permit a guest cottage, the use of the guest cottage has been discontinued for several years; therefore requiring a new special exception. • There are currently no code enforcement or building violations. 	

Reviewed by: KFT
 Co Atty: AS
 Pln Mgr: AS

	DIRECTION	EXISTING ZONING	EXISTING FLU	USE OF PROPERTY
	SITE	R-1AA	LDR	SFR
	NORTH	R-1AA	LDR	BEAR LAKE
	SOUTH	R-1AA	LDR	SFR
	EAST	R-1AA	LDR	SFR
	WEST	R-1AA	LDR	SFR
STANDARDS FOR GRANTING A SPECIAL EXCEPTION; LDC SECTION 30.43(b)(2)	<p>The Board of Adjustment (BOA) shall have the power to hear and decide special exceptions it is specifically authorized to pass under the terms of the Land Development Code upon determination the use requested:</p> <p><u>IS NOT DETRIMENTAL TO THE CHARACTER OF THE AREA OR NEIGHBORHOOD OR INCONSISTENT WITH TRENDS OF DEVELOPMENT IN THE AREA:</u></p> <p>The proposed use would not be detrimental to the character of the neighborhood. The use of a guest cottage is residential in nature and is consistent with the trend of development.</p> <p><u>DOES NOT HAVE AN UNDULY ADVERSE EFFECT ON EXISTING TRAFFIC PATTERNS, MOVEMENTS AND VOLUMES:</u></p> <p>The guest cottage is intended for intermittent or temporary occupancy by a guest and would not have any effect on the neighborhood traffic patterns.</p> <p><u>IS CONSISTENT WITH THE SEMINOLE COUNTY COMPREHENSIVE PLAN:</u></p> <p>The Seminole County Comprehensive Plan describes the Low Density Residential (LDR) future land use as a designation to provide appropriate locations for standard detached single family residences.</p> <p><u>WILL NOT ADVERSELY AFFECT THE PUBLIC INTEREST:</u></p> <p>The conversion of an existing detached garage to a guest cottage would not have an adverse affect on the public interest; the use is residential in nature would be compatible with the community.</p>			
STAFF FINDINGS	<p>Staff believes the proposed use would be compatible with the trend of development in the area for the following reasons:</p>			

	<ul style="list-style-type: none">• The use of a guest cottage is residential in nature and would not create any additional traffic or impact to the community than would a single family residence.• The applicant does not propose to expand the structure; therefore the visual impact will be consistent with the existing development.
STAFF RECOMMENDATION	<p>Staff recommends approval of the subject request based upon the following conditions:</p> <ol style="list-style-type: none">1. The Special Exception granted will apply only to the existing 572 square foot structure for the use of a guest cottage as defined by Sec. 2.3 of the Seminole County Land Development Code.2. The general layout of the proposed uses as depicted on the site plan shall not change.3. The applicant must apply for a building permit and meet all applicable building code requirements prior to renovations.

Fee: \$370.00

COPY

Application # BS 2009-17
Meeting Date 12-7-09



SPECIAL EXCEPTION APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: Jennifer + Adam Landa
Address: 3039 Ceceua Dr. City: Apopka Zip code: 32703
Project Address: Same City: _____ Zip code: _____
Phone number(s): 914 588-7174 | 917 282-9823
Email address: jlandam @ bodylogicmd.com

What is this request for?

- ☐ Church
- ☐ Daycare
- ☐ School
- ☐ Group Home
- ☐ Assisted Living Facility (ALF)
- ☐ Kennel
- ☐ Riding Stable
- ☐ Alcoholic Beverage Establishment
- ☐ Communication Tower
- ☒ Other: Residential guest cottage

RECEIVED OCT 05 2009

Is the property available for inspection without an appointment? ☒ Yes ☐ No

What is the current use of the property? Residential

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless the required **pre-application conference** has been held and all of the required information in the Special Exception application and submittal checklist is provided to the Planning Division.

Signed: _____

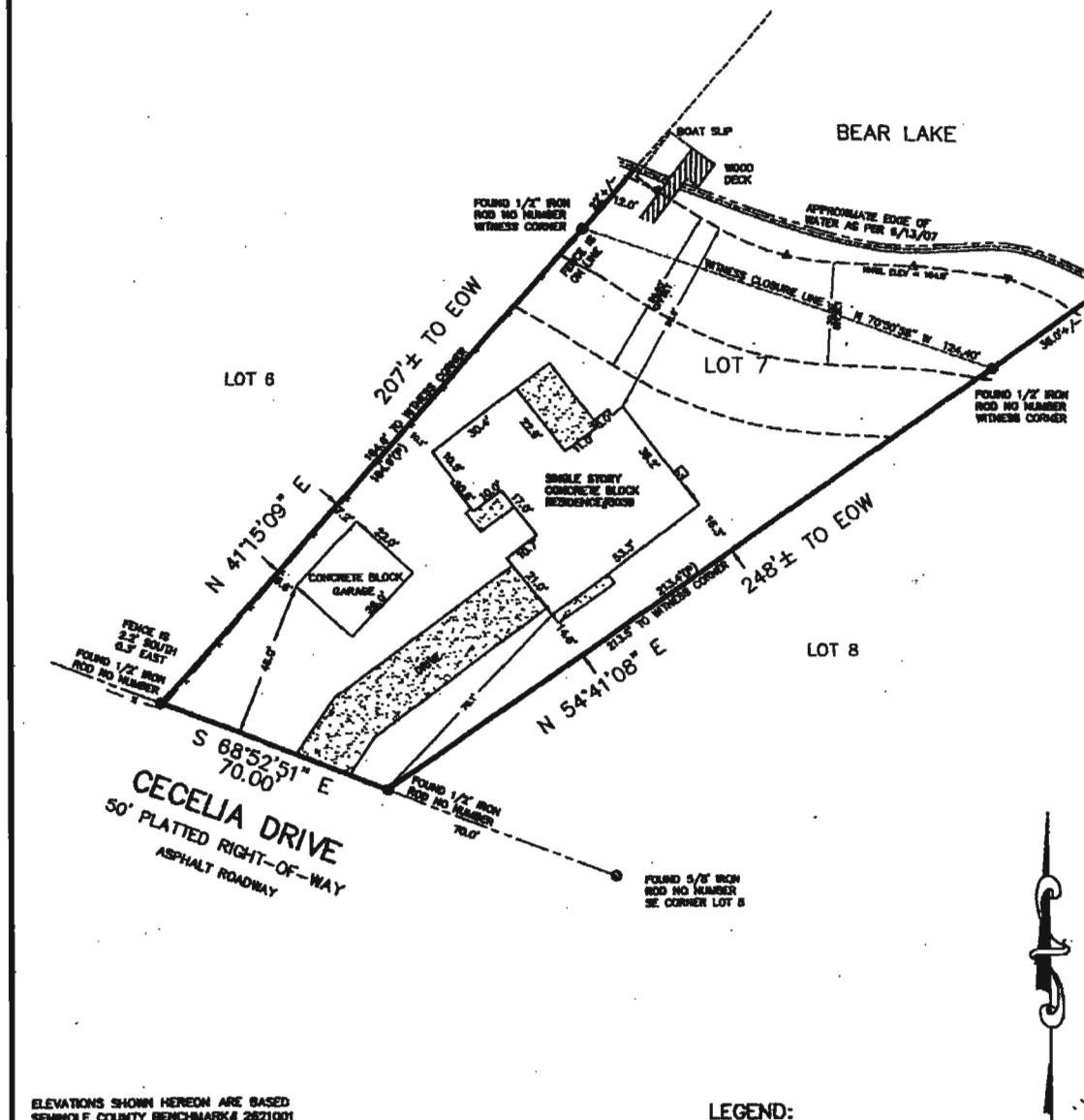
FOR OFFICE USE ONLY

Date Submitted: <u>10-5-09</u>	Reviewed By: <u>P. Johnson</u>
Tax parcel number: <u>18-21-29-511-0000-0070</u>	Zoning/FLU <u>R-1AA / LOR</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split)	<input type="checkbox"/> Platted Lot (check easements on lots / in dedication)
<input type="checkbox"/> Lot size _____	<input type="checkbox"/> Meets minimum size and width
<input type="checkbox"/> Past approval # _____	<input type="checkbox"/> Application and checklist complete
Notes: _____	

PLAT OF SURVEY

DESCRIPTION: (AS FURNISHED)

LOT 7, NEALS BAY POINT, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 7, PAGE 74, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA



ELEVATIONS SHOWN HEREON ARE BASED
SEMINOLE COUNTY BENCHMARK 2821001
ELEVATION = 120.573' (NGVD1929)

CERTIFIED TO AND THE EXCLUSIVE USE OF:
JENNIFER & ADAM LANDA

PROPERTY ADDRESS:
3039 CECILIA DRIVE
APOPKA, FLORIDA 32703

SETBACKS (PER PLAT)
FRONT: N/A
SIDES: N/A
REAR: N/A
SIDE STREETS: N/A

NOTE: THERE MAY BE ADDITIONAL EASEMENTS AND RESTRICTIONS THAT
ARE NOT SHOWN ON THIS SURVEY, BUT MAY BE FOUND IN THE PUBLIC
RECORDS OF THIS COUNTY.

LEGEND:

UTILITY POLE	PVC	PLASTIC FENCE
SET 1/2" IRON ROD	HPF	HOOD WIRE FENCE
(UNLESS OTHERWISE NOTED)	LS	LAND SURVEYING BUSINESS
DENOTES RADIUS	PSM	LAND SURVEYOR
DENOTES DELTA ANGLE	PCP	PERMANENT REFERENCE MONUMENT
DENOTES ARC LENGTH	PI	PERMANENT CONTROL POINT
NORMAL HIGH WATER LINE	PT	POINT OF INTERSECTION
CHORD BEARING	PC	POINT OF TANGENCY
PER PLAT	CLF	POINT OF CURVATURE
MEASURED	WF	CHAIN LINK FENCE
FOUND	TYP	WOOD FENCE
CORNER NOT ACCESSIBLE	A/C	TYPICAL
CONCRETE	CBW	AIR CONDITIONER
	OP	CONCRETE BLOCK WALL
	OSU	RADIUS POINT
	POB	OVERHEAD UTILITY LINE
		POINT OF COMMENCEMENT
		POINT OF BEGINNING
		RIGHT OF WAY LINE

I HAVE EXAMINED THE F.L.R.M. COMMUNITY PANEL
NO 120228 0115 E DATED 4/17/96 AND FOUND
THE SUBJECT PROPERTY APPEARS TO BE IN ZONE X.
AREA OUTSIDE THE 100 YEAR FLOOD PLAIN, AND IN ZONE
A. AREA OF 100 YEAR FLOOD, OFE = 107'
THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE
INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT
FOR VERIFICATION.

BEARINGS SHOWN HEREON ARE BASED ON
THE SOUTHERLY LINE OF LOT 7
BEING N 68°52'51" W PER PLAT

(FIELD DATE) 9/24/06
SCALE: 1" = 40 FEET
APPROVED BY: GKB
JOB NO. 7080705
DRAWN BY: SA

REVISED:
8/15/07 ADD HWRB

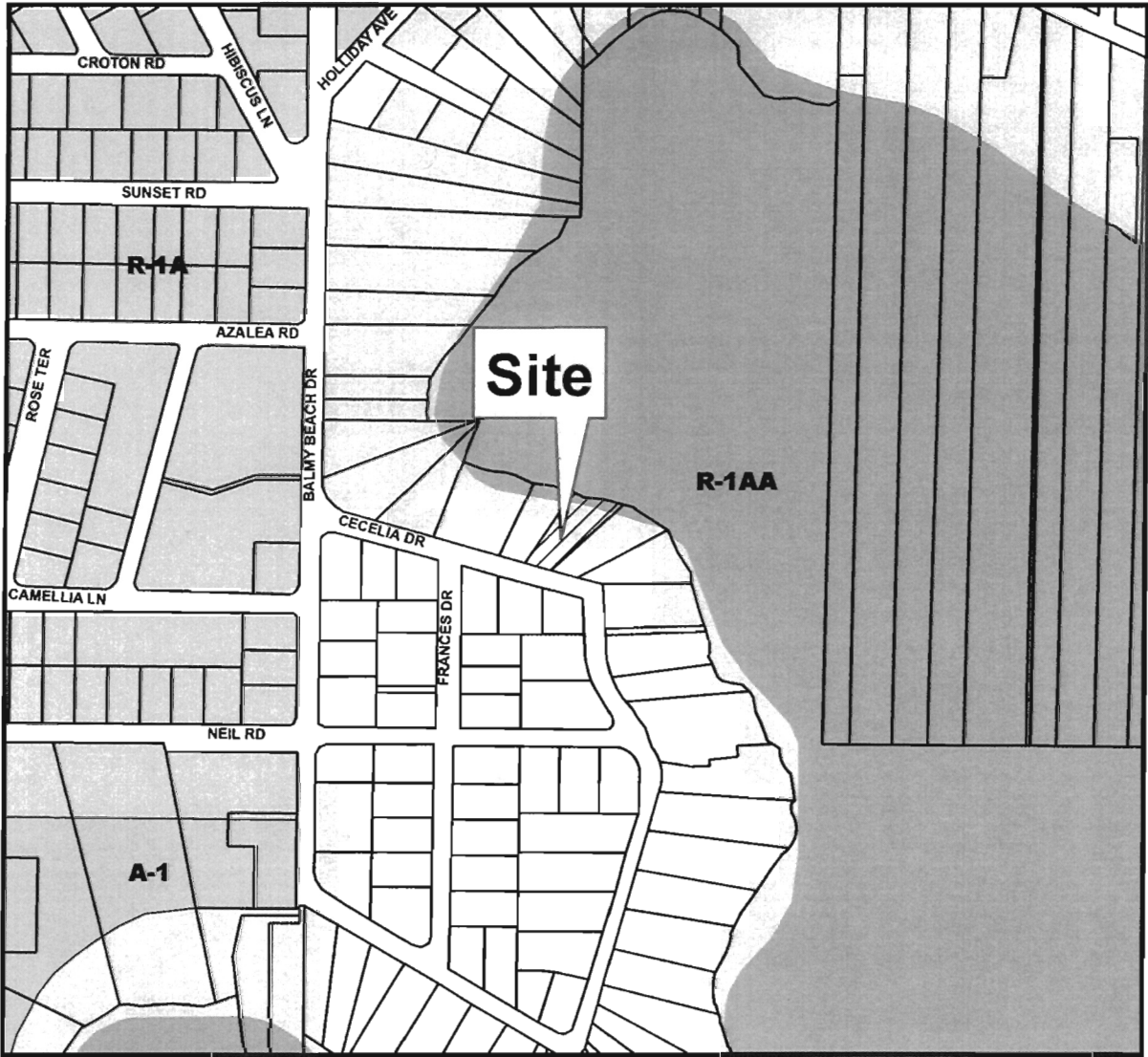
ASM
AMERICAN
SURVEYING
& MAPPING INC.

CERTIFICATION OF AUTHORIZATION NUMBER LB#6383
1030 N. ORLANDO AVE. SUITE B
WINTER PARK, FLORIDA 32789
(407) 458-7878
WWW.AMERICANSURVEYINGANDMAPPING.COM

1. THE SURVEYOR HAS NOT ABSTRACTED THE
LAND SHOWN HEREON FOR EASEMENTS, RIGHT
OF WAY, RESTRICTIONS OF RECORD WHICH
MAY AFFECT THE TITLE OR USE OF THE LAND
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN
LOCATED EXCEPT AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR
AND MAPPER.





Galen K. Bell
8/14/07
GALEN K. BELL, PSM #4224
DATE

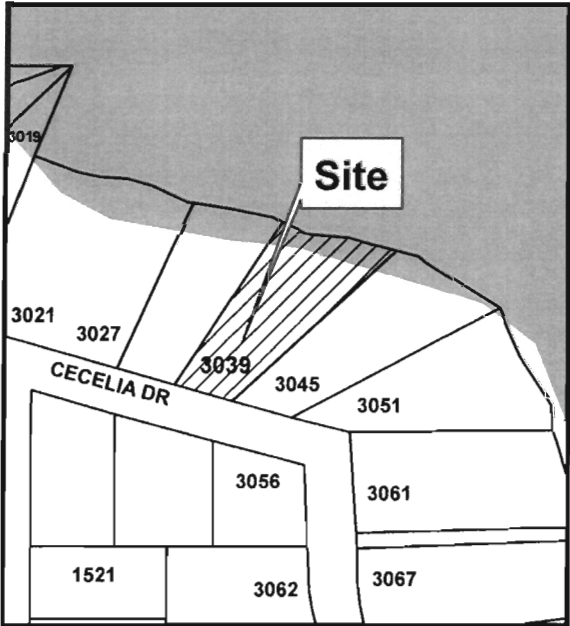
Adam & Jennifer Landa
3039 Cecelia Drive
Apopka, FL 32703



Seminole County Board of Adjustment
December 7, 2009
Case: BS2009-17 (Map 3207 Grid A1)
Parcel No: 18-21-29-511-0000-0070

Zoning

-  BS2009-17
-  A-1
-  R-1AA
-  R-1A



PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1488 407-585-7806																																																																	
GENERAL Parcel Id: 18-21-29-511-0000-0070 Owner: LANDA ADAM B & JENNIFER Z Mailing Address: 3039 CECILIA DR City, State, Zip Code: APOPKA FL 32703 Property Address: 3039 CECILIA DR APOPKA 32703 Subdivision Name: NEALS BAY POINT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2007) Dor: 01-SINGLE FAMILY				VALUE SUMMARY <table border="1"> <thead> <tr> <th>VALUES</th> <th>2010 Working</th> <th>2009 Certified</th> </tr> </thead> <tbody> <tr> <td>Value Method</td> <td>Cost/Market</td> <td>Cost/Market</td> </tr> <tr> <td>Number of Buildings</td> <td>1</td> <td>1</td> </tr> <tr> <td>Depreciated Bldg Value</td> <td>\$146,527</td> <td>\$159,779</td> </tr> <tr> <td>Depreciated EXFT Value</td> <td>\$2,530</td> <td>\$2,700</td> </tr> <tr> <td>Land Value (Market)</td> <td>\$415,800</td> <td>\$415,800</td> </tr> <tr> <td>Land Value Ag</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Just/Market Value</td> <td>\$564,857</td> <td>\$578,279</td> </tr> <tr> <td>Portability Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Save Our Homes Adj</td> <td>\$0</td> <td>\$0</td> </tr> <tr> <td>Assessed Value (SOH)</td> <td>\$564,857</td> <td>\$578,279</td> </tr> </tbody> </table>		VALUES	2010 Working	2009 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$146,527	\$159,779	Depreciated EXFT Value	\$2,530	\$2,700	Land Value (Market)	\$415,800	\$415,800	Land Value Ag	\$0	\$0	Just/Market Value	\$564,857	\$578,279	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$564,857	\$578,279																											
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BOAT HOUSE 1997	210	\$806	\$1,680
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NOTE: Assessed values shown are *NOT* certified values and therefore are subject to change before being finalized for ad valorem tax purposes.
*** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

☒ Individual ☐ Corporation ☐ Land Trust

☐ Limited Liability Company ☐ Partnership

☐ Other (describe): _____

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
Jennifer Landa	3039 Cecelia Dr. Alpha	904 588-7174
Adam Landa	Same	917 282-9823

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For **partnerships**, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezone, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10/5/09
Date

[Signature]
Owner, Agent, Applicant Signature

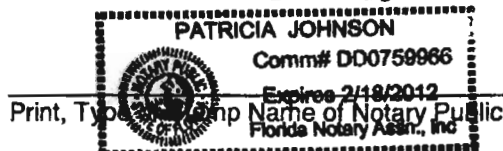
STATE OF FLORIDA

COUNTY OF Seminole

Sworn to (or affirmed) and subscribed before me this 5th day of October, 2009 by Jennifer

Landa

Patricia Johnson
Signature of Notary Public



Personally Known _____ OR Produced Identification [initials]

Type of Identification Produced Florida Driver License

For Use by Planning & Development Staff

Date: _____ Application Number: _____

Jennifer and Adam Landa

3039 Cecelia Dr.

Apopka, FL 32703

Phone: 407.454.9581

To: Building Dept

Re: Guest Cottage

We are writing this letter for our application for special exception. We are interested in converting a portion of a detached garage that already exists on our property into a guest cottage. The building has been previously approved for conversion into a guest cottage.

Please see site plan that is submitted with the application to get further details of our proposed plan.

Sincerely,

Jennifer and Adam Landa

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 7
NEALS BAY POINT PB 7 PG 74

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Adam & Jennifer Landa
3039 Cecelia Drive
Apopka, FL 32703

Project Name: Cecelia Drive (3039)

Special Exception Approval:

For a special exception to convert an existing 572 square foot detached garage into a guest cottage in R-1AA (Single Family Dwelling) district.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 - a. The special exception granted will apply only to the 572 square foot detached garage as depicted on the attached site plan.
 - b. The guest cottage shall not be expanded in size.
 - c. The use is for a guest cottage as defined by Sec. 2.3 of the Seminole County Land Development Code; intended for intermittent or temporary occupancy by a nonpaying guest, and which has no cooking facilities and is not rented.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

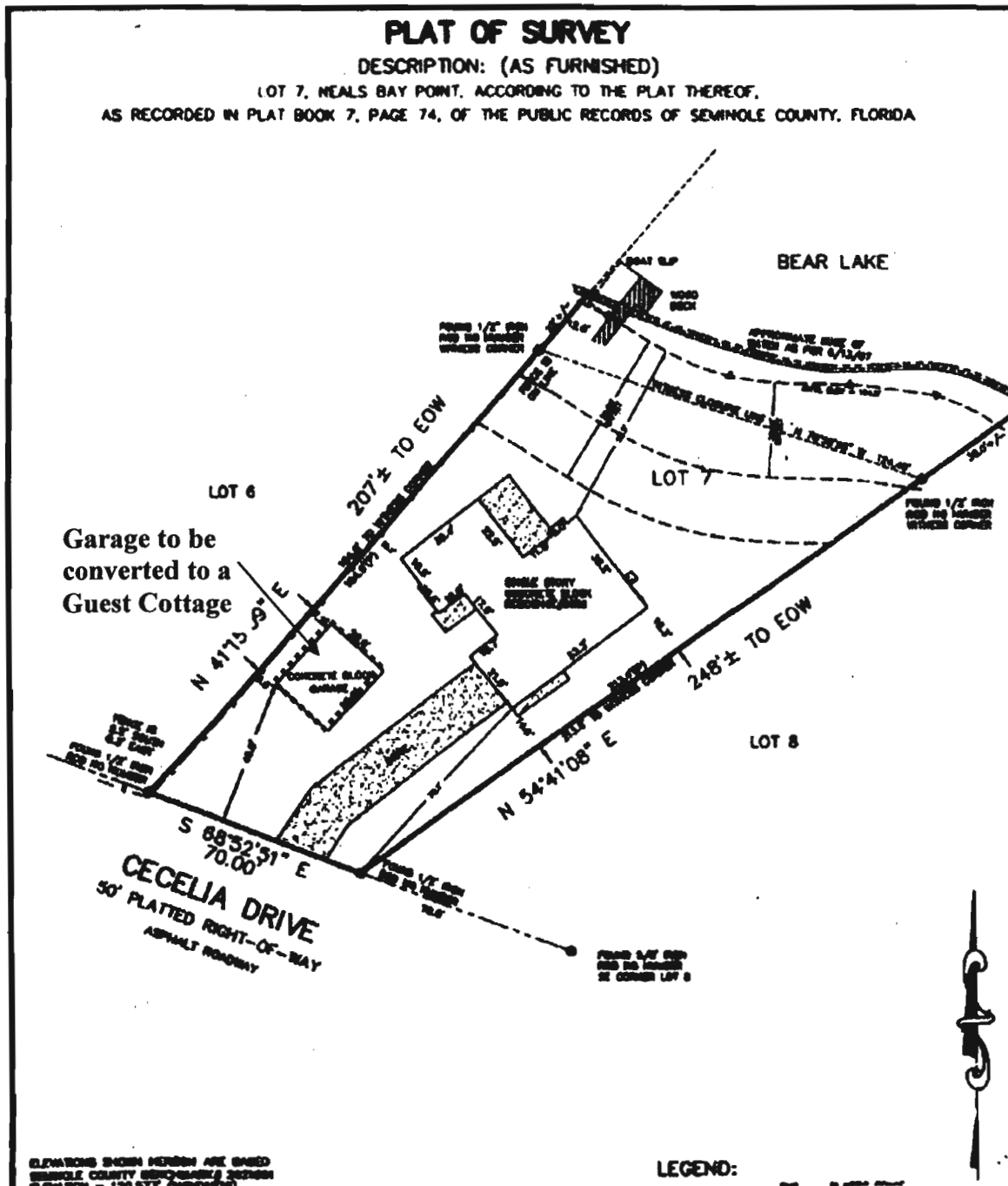
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:



SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On December 7, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 7
NEALS BAY POINT PB 7 PG 74

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Adam & Jennifer Landa
3039 Cecelia Drive
Apopka, FL 32703

Project Name: Cecelia Drive (3039)

Requested Special Exception:

For a special exception to convert an existing 525 square foot detached garage into a guest cottage in R-1AA (Single Family Dwelling) district.

Approval was sought to allow the conversion of a garage into a guest cottage. The Board of Adjustment finds that the proposed use is inconsistent with development trends in the area and would adversely affect the public interest and should not be permitted.

The requested development approval is hereby denied.

Prepared by: Joy Williams, Planner
1101 East First Street
Sanford, Florida 32771

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: